



Patitioner's Docket No. NEB-163-PUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: Ming-qun Xu

Application No.: 09/936,588

Group No.: 1636

Filed: March 29, 2002

Examiner: McKelvey, T.

For: Method for Generating Split, Non-Transferable Genes that are Able to Express an Active Protein Product

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF FORMAL DRAWINGS

In response to Office Action mailed on November 16, 2004, attached please find:

- (a) the formal drawing(s) for this application.  
Number of Sheets: 33

Each sheet of drawing indicates the identifying indicia suggested in § 1.84(c) on the reverse side of the drawing.

- (b) a copy of the Office Action.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

X with sufficient postage as first class mail.

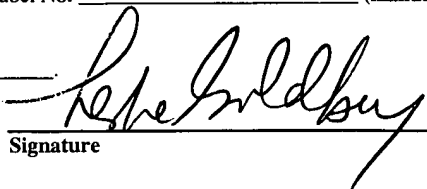
37 C.F.R. § 1.10\*

G as "Express Mail Post Office to Addressee"

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G facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_

  
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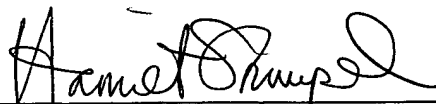
Date: January 5, 2005

Leslie Goldberg

(type or print name of person certifying)

\* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Date: January 5, 2005

A handwritten signature in black ink, appearing to read "Harriet Strimpel", written over a horizontal line.

Harriet M. Strimpel, D. Phil.

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09/936,588	03/29/2002	Ming-Qun Xu	NEB-163-PUS	8694

28986 7590 11/16/2004

NEW ENGLAND BIOLABS, INC.  
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SECTION: New DWGP  
NEW ENGLAND BIOLABS, INC.  
32 TOZER ROAD, BEVERLY, MA 01915  
11/26/04  
1/2/05

EXAMINER

MCKELVEY, TERRY ALAN

ART UNIT PAPER NUMBER

1636

DATE MAILED: 11/16/2004

By BLK

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

### NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

The drawings filed 09-13-2001 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figure 9C is listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figure      is contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS, whichever is longer**, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in **abandonment** of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

**Return Corrected Drawings/Specification to:**

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FORM PTO-1631 (REV. 10-03)